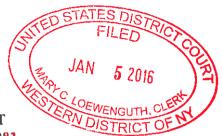
Revised O T On WDNY

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK



FORM TO BE USED IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

(Prisoner Complaint Form)

6 CV 6006

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

Salvatore Pierre ICN 101	4963.
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	-VS-
The court may not consider a claim against anyone not ider too may continue this section on another sheet of paper if you have the section of another sheet of paper if you have the section of the secti	4. Cher Haras
2 Sergenul herns	5. ELHC medical SHOP
Supervising Physician	6. Sch Anderson Deputy Kee
This is a civil action seeking relief and/or damages to United States. This action is brought pursuant to 42 U	
This is a civil action seeking relief and/or damages to United States. This action is brought pursuant to 42 U28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.	o defend and protect the rights guaranteed by the Constitution of the U.S.C. § 1983. The Court has jurisdiction over the action pursuant to
This is a civil action seeking relief and/or damages to United States. This action is brought pursuant to 42 U28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.	o defend and protect the rights guaranteed by the Constitution of the J.S.C. § 1983. The Court has jurisdiction over the action pursuant to IES TO THIS ACTION
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This is a civil action seeking relief and/or damages to United States. This action is brought pursuant to 42 L 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201. 3. PART PLAINTIFF'S INFORMATION NOTE: To list ad Name and Prisoner Number of Plaintiff: Salvador Present Place of Confinement & Address: Frie C LIO Delawate Me Buffalo Mes	defend and protect the rights guaranteed by the Constitution of the J.S.C. § 1983. The Court has jurisdiction over the action pursuant to the section
This is a civil action seeking relief and/or damages to United States. This action is brought pursuant to 42 U28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.	defend and protect the rights guaranteed by the Constitution of the J.S.C. § 1983. The Court has jurisdiction over the action pursuant to the section

5	The approximate date the action was filed:			
6.	What was the disposition of the case?			
	Is it still pending? YesNo_X			
	If not, give the approximate date it was resolved.			
	Disposition (check the statements which apply):			
	Dismissed (check the box which indicates why it was dismissed):			
	By court <i>sua sponte</i> as frivolous, malicious or for failing to state a claim upon which relief can be granted;			
	By court for failure to exhaust administrative remedies;			
	By court for failure to prosecute, pay filing fee or otherwise respond to a court order;			
	By court due to your voluntary withdrawal of claim;			
	Judgment upon motion or after trial entered for			
	plaintiff			
	defendant.			
	YesNo			
	Plaintiff(s):			
	Defendant(s):			
2.	District Court:			
3.	Docket Number:			
4.	Name of District or Magistrate Judge to whom case was assigned:			
5.	The approximate date the action was filed:			
ń.	What was the disposition of the case?			
	Is it still pending? Yes No_x_			
	If not, give the approximate date it was resolved.			

Disposition (check the statements which apply):			
Dismissed	<u>Dismissed</u> (check the box which indicates why it was dismissed):		
	By court sua sponte as frivolous, malicious or for failing to state a claim upon which relief can be granted;		
	By court for failure to exhaust administrative remedies;		
	By court for failure to prosecute, pay filing fee or otherwise respond to a court order;		
	By court due to your voluntary withdrawal of claim;		
Judgment upon motion or after trial entered for			
plaintiff			
de	fendant.		
<u></u>			

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include <u>all</u> possible claims.)

- Religion
- · Access to the Courts
- False Arrest
- Free SpeechDuc Process
- Excessive Force
- · Equal Protection
- Failure to Protect
- · Search & Seizure
- Malicious Prosecution
- . Denial of Medical Treatment
- Right to Counsel

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." <u>Simmons v. Abruzzo</u>, 49 F.3d 83, 86 (2d Cir. 1995). Fed.R.Civ.P. 10(b) states that "[a]!! averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far a practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prison er confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must <u>provide information</u> about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must <u>attach copies</u> of any decisions or other documents which indicate that you have exhausted your remedies for <u>each</u> claim you assert in this action.

DEFENDANT'S INFORMATION NOTE: To provide information about more defendants than there is room for here, use this formation another sheet of paper
Name of Defendant: Serogant Kerns
(If applicable) Official Position of Defendant: Free Volve Coord, outer
(If applicable) Defendant is Sued in Individual and/or Official Capacity
Address of Defendant: Eric Cawty Holding Conter
40 Delaware AVC BURPOID NEW YORK 14202
Name of Defendant: Sergeaut McArcheus
(Il applicable) Official Position of Defendant: Enjevance. Coordinator
(If applicable) Defendant is Sued inIndividual and/orOfficial Capacity
Address of Defendant: Fre Cause Haldun Center
40 Delaware Ave. BUFFELO NEW YORK 14202
Name of Defendant: Chair Horris
(If applicable) Official Position of Defendant: Overstes invades and Stoff
(If applicable) Defendant is Sued in 💢 Individual and/or 💢 Official Capacity
Address of Defendant: Ir 19 Con the Holoury Control
410 Treference Art Print P Was Par 14202
2
4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT
A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action? YesNo_X
If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper. 1. Name(s) of the parties to this other lawsuit:
Plaintiff(s):
Defendant(s):
Court (if federal court, name the district, if state court, name the county)
3 Docket or Index Number
4 Name of Tudge to whom case was assigned.

Case 6:1676v-06006-CJS Document 1 Filed 01/05/16 Page 5 of 13

Sergeant Anderson Official position of Defendant: Floor sergeant

Address of defendant: Erie county holding center, 40 determe are Buffalo, wy 1422

DeRity Kee

Officel Position of Defendant: Unit housing deputy

Defendant such in X individual andlor X Officel Capacity

Address of defendant: Estile county holding center, Buttalo, 40 Decuere are, NY, 14702

Supervising Physician

Official Position of Defendant: supervising Physician

Address of defendant Erie county holding tenter, 40 Dekuare ace, Burgalo, by, 14202
95 Franklin St

Chie country Hobbing center medical staff of health medical staff tail mangent division of Defendant i tric country trap of health medical staff tail mangent division Defendant is sued in X individual and/or X official capacity Hobbress of Defendant Erre country holding center, 40 delewore are 3. Italo, NY 1472

Cupiton Kappie

Defendant is sued in K individual and/or D official capacity Address of defendant: Eric county holding center 40 Delement and Buffalo, My, 1-1202

A. FIRST CLAIM: On (date of the incident) December Cla 2015.				
defendant (give the name and position held of each defendant involved in this incident) Sqt. Mc Andrew				
Set Kerny, Chief Harris, Supervising Physician, ECH(medical skiff.				
Captyla Kapple				
did the following to me (briefly state what each defendant named above did): On the chart date I filed				
a sick Call Stip requestion to receive a better coording Mattress				
from the medical department, due to my Medical Health Carrition & was				
told by medical cieft that the facility policy diest allow them to give at ver				
mattress or date mattress for any material reason on Dec the material				
State walking a describe i form to be a second of 30-46				
with an accent, Straight black hair, approx. 160-19016s this same				
medical personal approved me for a new mattress as well as informing asson				
The constitutional basis for this claim under 42 U.S.C. § 1983 is: Denied of Mechael Tracking of				
The relief I am seeking for this claim is (briefly state the relief sought): Dep. to pass cover suffering.				
Tom requesting Monetary in the Amount of Five (5) Million				
Exhaustion of Your Administrative Remedies for this Claim:				
Did you grieve or appeal this claim? Yes No If yes, what was the result? Mo Felve?				
Did you appeal that decision? Yes X No If yes, what was the result? Twas told by the				
Sat McArchas that the growance cas not be appeal				
Attach copies of any documents that indicate that you have exhausted this claim.				
If you did not exhaust your administrative remedies, state why you did not do so: I was told by 34 MARCHON				
that the grievasic can not be appeal				
A. SECOND CLAIM: On (date of the incident) 12-13-15				
defendant (give the name and position held of each defendant involved in this incident) 53+ Kern Sst				
Ti:				

housing unit officer on Charlie Long, am Shift. On dec 10th 2015 at approx. 8:00 pm the assisted housing officer than contacted Support Staff (maintenee) to deliver said mattress. Upon delivery of Mattress, Depty and I noticed mattress was in Poer condition when I was supposed to receive a new one. Being bousing afficer allowed me to Keep both mattresses, which did not resolve the pain of my disability. I was then told by another housing officer: "why do yall nomo's constantly try to take advantage of the medical staff". Which I am an openly gay Affican American male. I felt extremely, unaccepted and uncomfortable. I was made to reel and treated like a monster by security staff once I disclosed my HIV stafes in a Grievance.

On about 11-26-19/12-10-15 Medical Staff administrate the wrong medications and correct medication in the wrong doors. The non-adherence to these mediations can cause my terminal illness to Progress and become worse. I informed medical on multiple occasions that the dosages were incorrect and could not take them. Also Informed medical staff if all four medications are not administered at the Same Lime, I can not take cary, as my body will become immune and Form a resistance to all the medications. In turn this would cause my illness to progress and cause me to be sick.

Sallatore Plaroza

to Erie county medical Center by Erie county holding center to see my spriklst. My Doctor, Ms. Karen Brown wiste for me to receive a new unused materiess. Upon arrival at the county holding center I was screened by medical stass. I inquired about the order For the new mattress. The same nurse as described on First Page of the First Claim States, We do not give but new mattresses. I was returned to my unit, Fox East (Scenter) by Deputy Brennan. The same officer that escented me to my specialist and my medical screening, getter upon returning to the unit we attempt to explain to the housing efficer; largon about the situation. He tells me I can speak to unidentified seasoant about what is gains on. At about 11:30 am the sergeant comes to speak with me said serigant is white male ic soct 1-2 inchess, black hair, greying at the temples between 30-40. I explained the substition ident the mattress and he said as Lans as it was not be able to get it are he will see what he can ale. After ten minute's on the Phone senseunt record and housing efficer rules me up to the desk and informs me that there was no order written and shows me in the Log book where reserved sergernt wrote that an order for a new mattress was not addred by any doctor

Dollstore Per

Contact for immetes not support for relief of my disability matters not support for relief of my disability matters not support for relief of my disability matters have held and proper scritization portions for cleaning. I have retified multiple staff on numerous eccasions about for condition of confirmed multiple staff on numerous eccasions about for condition of confirmed Doe process. Employed Disstress. The constitutional basis for this claim under 42 U.S.C. § 1983 is: Condition of Confirmed Doe process. Employed Disstress. The relief I am seeking for this claim is (briefly state the relief sought): Tam regarding Manchay in the amount of 1.4 million. Exhaustion of Your Administrative Remedies for this Claim: Did you appeal that decision? X Yes No If yes, what was the result? Do celif. Did you appeal that decision? X Yes No If yes, what was the result? I was taken by Golf that the greates can not be appeared. Attach copies of any documents that indicate that you have exhausted this claim. If you did not exhaust your administrative remedies, state why you did not do so: I was teld by Soft that the Creation Could not be appeared. If you have additional claims, use the above format and set them out on additional sheets of paper. 6. RELIEF SOUGHT Summarize the relief requested by you in each statement of claim above. That I Should be a warded sone and continued that you have a participation of the sections of constitutions of constitutions of constitutions of constitutions of constitutions of constitutions of mathematics and possible top my	did the following to me (briefly state what each defendant named above did): Multiple mattersses					
Contract Fee in mates not support for relief of my dischility, Methresses have heles, are stained, and sometimes for cleaning. I have notified multiple state and numerous eccessions about poor (anditions) in which there has been no relief. The constitutional basis for this claim under 12 U.S.C. § 1983 is: Condition of Confinement / Due process, Emphased Disstress. The relief I am seeking for this claim is (briefly state the relief sought): Tam requesting Manietary in the amount of 1-1 million Exhaustion of Your Administrative Remedies for this Claim: Did you grieve or appeal this claim? X yes No If yes, what was the result? Do celife State copies of any documents that indicate that you have exhausted this claim. If you did not exhaust your administrative remedies, state why you did not do so: I was teleful by Si that the creation could not be appeared. If you have additional claims, use the above format and set them out on additional sheets of paper. 6. RELIEF SOUGHT Summarize the relief requested by you in each statement of claim above. That I should be awarded social amounts. Declarate of the Sections I have seed and acquired the social acquired the sections I have seed the sections I have seen the section I have seen the section of the section I have seen the section of the section I hav	are ald and defective They do not provide and					
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Specific Standing actions. There is no proper South rection Purchasts For Cleaning. I have relieved multiple States en numerous eccessions about past conditions in which Here has been no relect. The constitutional basis for this claim under 42 U.S.C. § 1983 is: Condition of Confinement / Due process, Employed Disstress. The relief I am seeking for this claim is (briefly state the relief sought): Tam requesting Movelagy in the Amount of 1.41 million Exhaustion of Your Administrative Remedies for this Claim: Did you grieve or appeal this claim? X yes No If yes, what was the result? Do relief Did you appeal that decision? X yes No If yes, what was the result? I was talk by Sight that the greenace can not be appeared. Attach copies of any documents that indicate that you have exhausted this claim. If you did not exhaust your administrative remedies, state why you did not do so: I was talk by Sight that the cleaning could not be appeared. If you have additional claims, use the above format and set them out on additional sheets of paper. 6. RELIEF SOUGHT Summarize the relief requested by you in each statement of claim above. That I should be a worded sould applied to the short sectors I have The conditions of confinement and acquirence. Due to these sectors I have						
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Attach copies of any documents that indicate that you have exhausted this claim. If you did not exhaust your administrative remedies, state why you did not do so: Twas total by Sol that the claims, and could not be appeared If you have additional claims, use the above format and set them out on additional sheets of paper. 6. RELIEF SOUGHT Summarize the relief requested by you in each statement of claim above. That I Should be exceeded Soic amounts because of the Poor conditions of confinencial and medical angligence. Due to these sections I						
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6. RELIEF SOUGHT Summarize the relief requested by you in each statement of claim above. I Find I Should be awarded Social amount(s) because of the Poor randitions of confinement and medical applicance. Due to these Socials E	SSI that the creasion could not be appealed					
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Summarize the relief requested by you in each statement of claim above. I Find I Should be awarded Social amounts because of the Poor randitions of confinement and medical ampliquese. Due to these Socials I	If you have additional claims, use the above format and set them out on additional sheets of paper.					
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hove experienced much pain, suffering expertional distress and possible						
	how experienced much pain suffering approximal distress and possible					
Life is in nescitic repensasions due to the lack of care for my						
disciplify and terminal illness.	modulity come ferminal illness.					
Do you want a jury trial? Yes X No	Do you want a jury trial? Yes X No					

I declare under penalty of perjury that the foregoing is true and correct.	
Executed on 12-23-15 (date)	
NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.	_
Signature(s) of Plaintiff's)	_

FORM C(1) — AFFIRMATION OF SERVICE (If you are <u>not</u> having your signature notarized, use this form)

WESTERN DISTRICT OF NEW YORK	
Salvatore Pierre	
Plaintiff(s),	AFFIRMATION OF SERVICE
Soft Anderson Supervising Physician Sergeant McAntred Sergeant Kend Chief Harris ECHIC Medical Staff Deputy Kee Laplan Kupple Defendant(s).	-CV
I, (print your name) Salvatore Pierre-	= , make the following affirmation
have served a copy of the attached motion papers (check the one which applies) Mailing X the motion papers to the attorneys for all of the other lands (Control of the other lands) and the ferrior of the service of th	Hand-deliveringer parties at the following addresses:
NY 142024 Holding Center 4	O Delawage AVE Buffalo
on (state the date you hand-delivered or mailed the	motion papers to the other parties)
declare under penalty of perjury that the foregoing information and belief. Executed on 12/23/3015	is true and correct, to the best of my knowledge, Pingl (your signature)

To whom I may concern,

It is possible that I will be moved to elmina correctional Facility and willard drug treatment facility before I get a response from the courts. Thank you For your time

Sincerely
Salvatore Pierre
184963
13-B-1281

NAME: Deluctor YEAR TE ICN# 10
ERIE COUNTY HOLDING CENTER
40 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3999

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United States 2nd district soons

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By Sercho, WY, 14202

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